IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.5770 OF 2005

Unmesh Shashidhar Adarkar ..Applicant
Vs.
Ramesh Parshuram Shengale
& Anr. ..Respondents

...

Mr.K.S.Patil i/b Prashant Badole Advocate for Applicant
Mr.S.R.Shinde, A.P.P. for the State

...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : SEPT. 15,2005

P.C.

1. Heard the learned advocate for the applicant and the learned A.P.P. for the State.

2. The applicant is seeking quashing of process issued by the learned Metropolitan Magistrate, 26th Court, Borivali, Mumbai in C.C.No.143/S/2003. In the said case process was issued against the applicant under Sections 341 and 420 of IPC.

3. For the reasons recorded in the decision of this Court in the case of **V.K.Jain and others Vs. Pratap V. Padode reported in 2005(3) Mh.L.J.778,** I am of the opinion that the applicant has an

efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicant prefers a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicant to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the applicant makes a statement that the necessary revision will be preferred within four weeks from today. I am informed that the next date before the trial Court is 27.9.2005. In view of this statement, the trial Court shall not proceed with the trial on 27.9.2005 and for a period of three weeks thereafter.

5. On the necessary revision being preferred by the applicant before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Criminal Application is disposed of.

[V.K.TAHILRAMANI,J.]